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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,387	01/14/2004	Laurence Honarvar	1330.1038C	1881
21171	7590	02/14/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER  TARAE, CATHERINE MICHELLE	
			ART UNIT  3623	PAPER NUMBER
			MAIL DATE  02/14/2008	DELIVERY MODE  PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/756,387

**Applicant(s)**

HONARVAR ET AL.

**Examiner**

C. Michelle Tarae

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The following is a Final Office Action in response to the communication received on November 30, 2007. Claims 1-6 are now pending in this application.

#### ***Information Disclosure Statement***

2. Examiner notes that no Information Disclosure Statement (IDS) can be found among the scanned documents for the instant application. Applicant is requested to resubmit the IDS so Examiner can consider it.

#### ***Response to Amendment***

3. No amendments have been made to the claims.

#### ***Response to Arguments***

4. Applicant's arguments have been fully considered, but found unpersuasive. In the Remarks, Applicant argues that no portion of Desiraju relates to automatically optimizing a selected component forming a strategy in the specific manner as recited in claim 1 (page 5 of Remarks).

In response to the argument, Examiner respectfully disagrees. Desiraju discloses selecting options for policies for a final recommendation, where Examiner is interpreting the various selectable policy options as the components and the final recommendation as the applied strategy (See Figure 20 where an interface is provided to allow a user to select different policy options in the areas of information exchange,

financial arrangement and replenishment policy to analyze the results of selecting different policy option combinations.). Based on the user's selection of the different policy options and assigned weights, the system provides a final recommendation, where Examiner is interpreting the final recommendation as the optimization of the selected policy options forming the strategy (col. 15, lines 30-65; col. 17, lines 1-7). Applicant argues that the recitation of "components" in the claims is meant to be, for example, a function like a decision tree, as described in the specification. However, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, Examiner respectfully submits that non-committal or exemplary language in the specification is not considered limiting as it does not provide a clear definition of a term. The lines cited by Applicant of page 17 of the specification provide for several examples of what is meant by "components" including a system, version, attribute, inbound event, outbound event, function, function set, segment, report instruction, continuous dimension, test group or report group. Accordingly, Desiraju does disclose "components" as Applicant has described the term in his specification. See, for example, col. 6, lines 43-65, where Desiraju discloses examples of replenishment policy options, where the options include implementation procedures, and thus, functions or events, of a supplier relationship. Likewise, see col. 7, lines 1-31 where specific examples of information exchange and financial arrangement policy options are described.

Accordingly, Applicant's arguments have been fully considered and are found unpersuasive. The rejections of claims 1-6 are maintained and repeated below.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Desiraju et al. (U.S. 6,243,613).

As per claim 1, Desiraju et al. discloses a computer-implemented decision management process comprising:

applying a decision management strategy for controlling behavior of clients of an organization, the strategy being formed of components operating together (col. 6, lines 8-23; A material planning system and decision management system help users to determine the optimum strategies for suppliers.);

determining results of the applied strategy (col. 7, lines 39-45; The data is used to determine a current material policy of a supplier.);

selecting, by an end user of the process, a respective component forming the strategy for optimization, selecting, by the end user, potential replacement components

and performance metrics for the potential replacement components and applying the selected potential replacement components to prior performance data of the clients (col. 7, lines 55-62; col. 8, lines 46-col. 9, line 11; Figures 7-8; A user can select components representing the current and recommended policies to review and analyze the components affecting the policies.);

determining results of the applied potential replacement components and automatically optimizing the selected component forming the strategy, in accordance with the determined results of the applied strategy, the determined results of the applied potential replacement components, and the metrics (col. 10, lines 1-17; col. 11, lines 10-17; Results of the strategies are determined so as to exclude or include certain options associated with the policies and select a final recommendation strategy.).

As per claim 2, Desiraju et al. discloses a computer-implemented decision management process as in claim 1, wherein the selected performance metrics includes a threshold for the potential replacement components, said automatically optimizing replacing the selected component with a respective replacement component if performance improvement results of the respective potential replacement component satisfy the threshold (col. 15, line 66-col. 16, line 25; Threshold values are used during assessing performance results.).

As per claim 3, Desiraju et al. discloses a computer-implemented decision management process as in claim 1, further comprising repeating the process of claim 1 for the applied strategy (col. 15, lines 30-41; Components of strategies and strategies

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themselves can be reviewed and analyzed by users at any time, thereby repeating the process for the applied strategy.).

Claims 4-6 recite limitations similar to the limitations rejected above. Therefore, claims 4-6 are rejected on the same basis as claims 1-3 above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. Michelle Tarae/  
Primary Examiner, Art Unit 3623

February 13, 2008